महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम,१९६६ कलम ३७(१) अन्वये बृहन्मुंबई विकास नियंत्रण नियमावली मधील नियम क्र.३४ मध्ये करावयाच्या फेरबदलाबाबतची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: सिएमएस/टिपीबी-४३०६/४४०/प्र.क.१९१/२००८/नवि-११
मंत्रालय, मुंबई : ४०० ०३२,
दिनांक : १ मार्च, २०१०

<u>शासन निर्णय:-</u> सोबतची अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,

(राजेंद्र [illegible])
अवर सचिव, महाराष्ट्र शासन.

प्रति,
महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
उप सचिव, नगर रचना, नगर विकास विभाग, मंत्रालय, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.
(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी २५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, मुंबई यांना पाठविण्यात याव्यात.)
कक्ष अधिकारी (संगणक कक्ष) (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.
(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी.)
निवडनस्ती (नवि-११).
संकलन ३७ फाईल

Development Control Regulation for Greater Mumbai, 1991.

- **Sanction to modification under section 37(2) of the Maharashtra Regional and Town Planning Act.**
- **Regarding regulation 34 of Development Control Regulation.**

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated: 9th March, 2010.

NOTIFICATION

No. CMS 4306/440/CR-192/08/UD-11:

Whereas, the Government of Maharashtra vide Notification of Urban Development Department No. DCR-1090/RDP/UD-11, dated 20th February 1991 has sanctioned the Development Control Regulations for Greater Mumbai, 1991 (hereinafter referred to as "the said Regulations") under section 31 of the Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25th March, 1991;

And whereas, Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") reported that as per the report of Chitale Committee, widening of nalla /river are essential to avoid loss of property damaged, inconvenience to public etc. and for that purpose the developer of respective plot may be offered incentive in the form of TDR of their land required to be acquired for implementation of widening of nalla. It was further mentioned that acquisition process requires considerable time and therefore it will be appropriate to consider the land required for the natural course of nalla and for construction of adjoining service road thereat as public reservation as nalla and TDR may be considered for the said area;

And whereas the issue was examined by the Government. It was observed that present provision allow in situ FSI of such lands but do not allow grant of TDR. In some of the cases, the entire land of the owner is affected by nalla/nalla widening/training. Therefore, the owner does not come forward to part his land for the same. Therefore, to facilitate fast acquisition of land for nalla/water course, it is proposed to grant TDR in lieu of compensation for such lands (hereinafter referred to as "the said modification");

And whereas, the said modification is in the public interest and needs to be processed on priority.

And whereas, in view of the facts and circumstances mentioned above and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government has issued the notice of even no. dated 16/6/2009

(hereinafter referred to as "the said Notice") regarding the said modification, for inviting suggestions/objections from any person with respect to the said modification.

And whereas, the said notice was published in the Government Gazette (Ordinary) dated 1/7/2009 and in the news paper namely Daily Asian News (English) dated 7/7/2009.

And whereas, as per the said notice Government appointed Deputy Director of Town Planning Gr. Mumbai as an officer under section 162 of the said act (hereinafter referred to as "the said officer") to scrutinize any suggestions/objections received and to grant hearing to the persons submitting suggestions/objections including Municipal Corporation of Gr. Mumbai and to submit his report to the Government regarding the said modification.

And whereas, the said officer has submitted his report vide letter No DDTP/Gr. Mumbai/ Modification/ 37(1AA)/DCR/1466 dated 17/8/09 to the Government.

And whereas, the said officer has recommended to sanction the said modification with some changes considering the suggestions/objections received from the general public.

And whereas, after consulting Director of Town Planning, Maharashtra State, Government is of opinion that the said modification should be sanctioned with some changes.

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby

MODIFICATION

(A) Sanction the modification as mentioned below:-

Following New Regulation No (i) is added to Regulation No. 34 as follows:

"Provision for Proposed Nalla/ Nalla Widening/ Training and appurtenant service roads thereto shall be considered to be "reservation" in the Development Plan and if the FSI of such land is not possible to be consumed on the remaining land as envisaged under regulation 35, with prior approval of the Government, the owner shall be eligible for grant of TDR on handing over the land free of cost for such purpose as in Appendix-VII. However, as per the provision of regulation 15 of Appendix VII, the owner shall be insisted to pay pro-rata charges for cost of construction of compound wall instead of retaining wall.

Provided that when Proposed Nalla/Nalla Widening/Training and appurtenant service road thereto is passing through the lands affected by any other reservation of the Development Plan then TDR of the land can be granted only once either for D.P. reservation or deemed reservation mentioned above for nalla etc. Efforts shall be made to cover /to train the nalla suitably so that the

said land can be used for its intended purpose as proposed in the Development Plan.t However, if such covering of nalla is not feasible/viable then the nalla and appurtenant service road shall be developed as per requirement and the said other reservation of the Development Plan affecting the said land shall be deemed to be deleted/modified to that extent".

B) Fixes the date of publication of this notification in the government gazette as the date of coming into force of this modification.

C) Directs the said corporation that in the schedule of modification sanctioning the said modifications after the last entry, the schedule referred to as (A) shall be added.

By order and in the name of the Governor of Maharashtra,

(Rajendra Kubde)
Under Secretary to Government.